



Atty. Dkt. No.: 053466-0295

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Gorgia

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yasuo KOISHIHARA
Title: INHIBITOR OF LYMPHOCYTE ACTIVATION
Appl. No.: 09/760,723
Filing Date: January 17, 2001
Examiner: G. Ewoldt
Art Unit: 1644

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RESPONSE TO ELECTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

This paper is a response to the Office Communication mailed January 13, 2003. By the attached petition for an extension of time and appropriate fee, Applicant has extended the date for response to March 13, 2003.

The Examiner has requested Applicant to elect for examination (a) a specific lymphocyte subset, and (b) a specific disease. The lymphocyte subset can be either T cells or B cells, and the disease can be an autoimmune disease, rejection of organ transplantation or allergy.

Applicant provisionally elects B cells and autoimmune disease for examination. However, this election is made with traverse.

The basis for traversal is that each of the diseases at issue (autoimmune disease, rejection of organ transplantation and allergy) implicates both lymphocyte subsets (T cells and B cells). For example, both T cells and B cells play a role in mechanisms of autoimmune disease. Thus, because Applicant has elected autoimmune disease for examination, the Examiner will be required to consider both lymphocyte subsets anyhow. This appears to render the election requirement meaningless.

Accordingly, Applicant respectfully requests withdrawal of the election requirement.

Should the Examiner have any further concerns or questions, he is encouraged to contact the undersigned at the telephone number provided.

Respectfully submitted,

Date March 11, 2003

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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 19-0741 for any such fees; and applicant(s) hereby petition for any needed extension of time.